

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**PINNACLE PACKAGING  
COMPANY, INC.,**  
an Oklahoma corporation,  
**POLO ROAD LEASING, LLC,**  
an Oklahoma limited liability company,  
and **J. SCOTT DICKMAN,**

Plaintiffs,

v.

Case No. 12-CV-537-JED-TLW

**CONSTANTIA FLEXIBLES GmbH,** an  
Austrian corporation, and  
**ONE EQUITY PARTNERS (EUROPE)  
GmbH,**

Defendants.

**DEFENDANT CONSTANTIA FLEXIBLES GmbH'S AND ONE EQUITY PARTNERS  
(EUROPE) GmbH'S UNOPPOSED MOTION TO AMEND THE SCHEDULING ORDER**

Defendants Constantia Flexibles GmbH ("Constantia") and One Equity Partners (Europe) GmbH ("OEP Europe," and together with Constantia, "Defendants"), move to amend the Court's Scheduling Order to extend briefly the close of discovery and to extend commensurately the dispositive motion deadline and briefing schedule.

1. Plaintiffs do not object to Defendants' motion so long as the changes requested by this motion do not affect the trial date set forth in the Court's existing scheduling order.

Defendants do not believe the requested changes to the schedule will affect the trial date.

2. The parties have agreed to move the date for exchange of initial disclosures to April 1, 2015, from June 17, 2015.

3. Defendants move to extend the discovery deadline to October 2, 2015, from September 15, 2015, for two principal reasons. First, the parties do not complete their exchange of expert reports until August 17. The month following the completion of expert reports until the Court's current discovery deadline, September 15, will not be sufficient time to complete the expert discovery. To prepare for the expert depositions, the parties will need time to evaluate the experts' reports and to consult with their own experts to prepare for depositions. These deadlines fall within the traditional end-of-summer holiday period and a very late Labor Day holiday, September 7. Also, immediately preceding the discovery deadline is Rosh Hashanah, which begins at sundown on September 13, two days before the discovery cutoff. Defendants' principal counsel will be away from the office during much of this period. In addition to the known scheduling conflicts of Defendants' counsel, Defendants reasonably anticipate that their expert witnesses might also have late summer vacations or holiday plans that could prohibit completing discovery before the existing deadline. By extending the close of discovery by just over two weeks, to October 2, the parties should have sufficient time to complete the expert discovery.

4. Defendants also request a short extension of the deadline to file dispositive motions to Monday, November 2 from Wednesday, October 21. Defendants request this modest 12-day extension to accommodate the extension of the discovery cutoff.

5. As part of the dispositive motion process, Defendants request a modification of the briefing schedule required by the Court's local rules to permit the parties an additional 11 days to respond to the other parties' dispositive motions (assuming the extension in paragraph 4 is granted). By local rule, a party's response to a dispositive motion would be due on November 23, which is 21 days after the filing of the motion. By extending the deadline by 11 days, the

parties would be obligated to respond to the motion by Friday, December 4. This brief extension eliminates the reply briefing schedule from being disrupted by the Thanksgiving holiday.

6. The parties do *not* ask the Court to modify the local rule's requirement that replies be filed within 14 days of the due date of the response brief. Under the proposed amended schedule, the reply briefs would be due on Friday, December 18, before the Christmas and New Year holidays. The parties believe these changes will accommodate the remaining dates on the Court's existing scheduling order.

Based on the foregoing, Defendants move the Court to amend its existing scheduling order as follows

Discovery cutoff:	to October 2, 2015	from September 15, 2015
Dispositive motion cutoff:	to November 2, 2015	from October 21, 2015
Dispositive motion resp.:	to December 4, 2015	from November 23, 2015.

Dated: 11 March 2015

Respectfully submitted,

/s/ John D. Russell

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**COUNSEL FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on 11 March 2015, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

Laurence L. Pinkerton  
James D. Jorgenson  
Charles R. Willing  
Aaron Lang  
Gabrielle L. Gould  
Cheryl Howard

s/ John D. Russell  
John D. Russell